

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2594 OF 2015

Shankar Pandharinath Sanap,
Age: 55 years, Occ: Agri.,
R/o. Baktarpur, Tq. Kopargaon,
Dist. Ahmednagar.

...Petitioner

versus

Chabu Pandharinath Sanap,
Age: 46 years, Occ: Agri.,
R/o. Baktarpur, Tq. Kopargaon,
Dist. Ahmednagar & ors.

...Respondents

.....
Mr. Shailesh S. Chapalgaonkar, Advocate for petitioner
Mr. S.B. Kadu, Advocate for respondent No. 1
.....

CORAM : N.W. SAMBRE, J.

DATE : 8th DECEMBER, 2015

ORAL ORDER :

Learned Counsel for the petitioner conceded that the appeal under Section 96 of the Code of Civil Procedure against the order of rejection of counter-claim lies before the District Judge.

2. In view thereof, the writ petition is dismissed, with liberty to file appeal.

3. Time consumed before this Court in prosecuting the petition shall be taken in to account while dealing with the issue of condonation of delay.

[N.W. SAMBRE, J.]